

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: February 24, 2006 Name: Tadashi Horie (Reg. No. 40,437) Signature: Tadashi Horie

TH

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Masayuki TSUDA et al.

Appln. No.: 10/810,503

Filed: March 26, 2004

For: TERMINAL DEVICE AND PROGRAM

Examiner: To Be Assigned

Art Unit: 2122

Attorney Docket No: 9683/177

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Supplemental Information Disclosure Statement, Copy of Chinese Office Action, Form PTO-1449, 1 Cited Reference (B2)
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

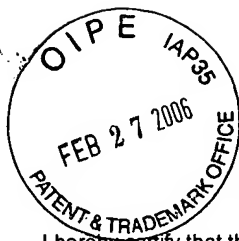
Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

February 24, 2006
Date

Tadashi Horie
Tadashi Horie (Reg. No. 40,437)



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February 24, 2006

Date of Deposit

Tadashi Horie Reg. No. 40,437

Name of Applicant, Assignee or
Registered Representative

Signature

February 24, 2006

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Masayuki TSUDA et al.

Appln. No.: 10/810,503

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Art Unit: 2122

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following references:

U.S. Patent Document

DOCUMENT NUMBER Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
5,933,498	08/03/1999	Schneck et al.

Foreign Patent Document

DOCUMENT NUMBER Country Code, Number -Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
WO 01/13198 A1	02/22/2001	Hewlett-Packard Company

Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). References B1 and B2 were cited in an Office Action issued in the counterpart Chinese application. A copy of the Chinese Office Action, along with its translation, is attached to this Statement. As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R. §1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

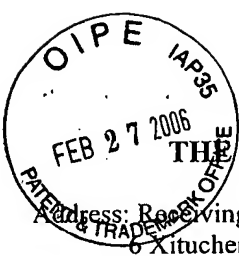
February 24, 2006

Date



Tadashi Horie (Reg. No. 40,437)

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200



THE STATE INTELLECTUAL PROPERTY OFFICE OF CHINA

COPY

Address: Receiving Department of The State Intellectual Property Office (SIPO)
6 Xitucheng Road, Haidian, Beijing

Postal Code: 100088

Applicant	NTT DoCoMo, Inc.	Date of Issue: January 6, 2006
Patent Agent	Beijing Sanyou Intellectual Property Agency Ltd.	
Filing No. of Patent Appln.	200410032231.7	
Title of Invention	端末装置およびプログラム	

FIRST NOTIFICATION OF OFFICE ACTION

- ☒ Upon the Request for Substantive Examination dated _____, the examiner has made the examination on the above cited patent application in accordance with the provision in paragraph 1, Article 35 of the PRC Patent Law.
☐ The SIPO uses its own discretion to make a substantive examination for the above cited patent application in accordance the provision in paragraph 2, Article 35 of the Chinese Patent Law.
- ☒ The applicant designated the filing date of
Mar. 28, 2003 in the Patent Office of JP as the priority date;
_____ in the Patent Office of _____ as the priority date;
_____ in the Patent Office of _____ as the priority date;
_____ in the Patent Office of _____ as the priority date;
_____ in the Patent Office of _____ as the priority date;
☒ the certified copy of Priority Document(s) has (have) been submitted.
☐ no certified copy of priority document has been submitted heretofore and, according to the provision of Article 30 of the PRC Patent Law, it is deemed that no priority right has been requested.
- ☐ The applicant submitted the amended text on _____ and _____, after examination, in which
☐ the _____ of the amended text submitted on _____ is unacceptable;
☐ the _____ of the amended text submitted on _____ is unacceptable;
the reason being that the above cited amendment
☐ is not in conformity with the provision of Article 33 of the PRC Patent Law;
☐ is not in conformity with the provision of Rule 51 of the Implementing Regulations of the Chinese Patent Law.

The amendment is not accepted based on the reason in details shown in the attachment sheet .

- ☒ Examination is made based on the original filing documents.
☐ Examination is made based on the following documents:
Description page(s) _____ of the original filing documents submitted on the filing date
Page(s) _____ on _____, pages _____ on _____
Claims page(s) _____ of original filing documents submitted on the filing date
Page(s) _____ on _____, pages _____ on _____
Drawings page(s) _____ of original filing documents submitted on the filing date
Page(s) _____ on _____, pages _____ on _____
Abstract ☐ submitted on the filing date ☐ submitted on _____
Drawing of abstract ☐ submitted on the filing date ☐ submitted on _____
- ☐ The notification is made without conducting the search for the patentability.
☒ The notification is made under the search for the patentability.
☒ The following references have been cited in this notification (their serial numbers will be

referred to in the following procedure):

Serial Number	Number or Title of Reference Material	Publication Date (or Filing Date of A Conflict Patent Application)
1	WO0113198A1	Feb. 22, 2001
2	US5933498A	Aug. 3, 1999
3		
4		

6. The conclusion of the examination:

☐ In regard to the description:

- ☐ The subject matter of the present application is not accepted based on the Article 5 of the Chinese Patent Law.
- ☐ The description is not in conformity with the provision of paragraph 3, Article 26 of Chinese Patent Law.
- ☐ The presentation of the description is not in conformity with the provision of Rule 18 of the Implementing Regulations of the Chinese Patent Law.

☒ In regard to the Claims:

- ☐ Claims _____ can not be allowed owing to lack of novelty based on the provision of paragraph 2, Article 22 of Chinese Patent Law.
- ☒ Claims 1 can not be allowed owing to lack of inventiveness based on the provision of paragraph 3, Article 22 of Chinese Patent Law.
- ☐ Claims _____ cannot be allowed owing to lack of practical applicability based on the provision of paragraph 4, Article 22 of Chinese Patent Law.
- ☒ Claims 5 can not be allowed because they fall in the scope of the unpatentable subject matters provided by Article 25 of the Chinese Patent Law.
- ☒ Claims 1 cannot be allowed because they are not in conformity with the provision of paragraph 4, Article 26 of Chinese Patent Law.
- ☐ Claims _____ cannot be allowed based on the provision of paragraph 1, Article 31 of Chinese Patent Law.
- ☐ Claims _____ cannot be allowed based on the provision of Article 33 of Chinese Patent Law.
- ☐ Claims _____ can not be allowed because they claim an invention(s) that does not belong to the invention defined by the provision of paragraph 1, Rule 2 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claims _____ cannot be allowed based on the provision of paragraph 1, Rule 13 of the Implementing Regulations of the Chinese Patent Law.
- ☒ Claims 2 cannot be allowed based on the provision of Rules 20 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claims _____ cannot be allowed based on the provision of Rules 21 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claims _____ cannot be allowed based on the provision of Rules 22 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claims _____ cannot be allowed based on the provision of Rules 23 of the Implementing Regulations of the Chinese Patent Law.

The explanation of the conclusion is given in the attachment sheet in details

7. According to the above conclusion, the examiner holds that

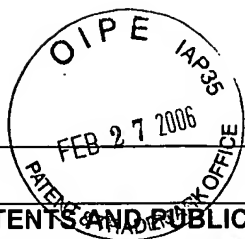
- ☐ the applicant should amend the application documents based on the requirement specified in the Attachment Sheet.
- ☒ the applicant should state the reason on which the application can be accepted and amend the part that is indicated not to be in conformity with the requirement, otherwise the application will be rejected.
- ☐ No subject matter in the application is patentable, the said application will be rejected if the applicant does not make a statement or the statement is not convincing.
- ☐ _____

8. The applicant's attention is drawn to the fact that

- (1) in accordance with the provision of Article 37 of the Chinese Patent Law, the applicant shall submit the observations within FOUR months from the date of receiving this notification. If the applicant, without any justified reason, fails to reply within the time limit, the application shall be deemed to have been withdrawn.
- (2) the amendment that the applicant makes shall be in conformity with the provision of Article 33 of the Chinese Patent Law. The amended text shall be furnished in duplicate. The formality of the amendment should be in conformity with the relative provisions of the Guidebook for Examination.
- (3) any response and/or amended specification must be furnished by mail or by hand to the Receiving Department of the Chinese Patent Office. Any documents that are not furnished to the Receiving Department do not have legal effect.
- (4) the applicant and/or his attorney should not go to the PRC Patent Office to meet the examiner if no appointment is made.

9. The text of the notification embraces 2 page(s), along with the enclosures herein:

☒ 2 copies of the cited references are enclosed in pages of 8.



FORM PTO-1449	APPLICATION NO. 10/810,503	ATTORNEY DOCKET NO. 9683/177
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	FILING DATE March 26, 2004	GROUP ART UNIT 2122
APPLICANTS: Masayuki TSUDA et al.		

U.S. PATENT DOCUMENTS

EXAMINER INITIALS	Cite No.	DOCUMENT NUMBER Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Class/ Subclass	Filing Date
	B1	5,933,498	08/03/1999	Schneck et al.		
	B					
	B					
	B					
	B					
	B					

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS	Cite No.	DOCUMENT NUMBER Country Code, Number -Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Class/ Subclass	T
	B2	WO 01/13198 A1	02/22/2001	Hewlett-Packard Company		
	B					
	B					
	B					
	B					
	B					

EXAMINER INITIALS	NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.); date page(s), volume-issue number(s), publisher, city and/or country where published.					T
	B					
	B					
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	B					

NOTE: For "T" – please place an "X" if an English translation is being provided to the Patent Office.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.